



CRL.O.P (MD) No.3522 of 2020

.BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.3522 of 2020

and

CrI.M.P(MD)Nos.1886 and 1887 of 2020

Syed Ibrahim Ali

...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Airport Police Station,
Trichy District.
(Crime No.429 of 2011)

... 1st Respondent/De jure Complainant

2.K.M.Maniraj

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records in C.C.No.1660 of 2019 pending on the file of the Judicial Magistrate No.VI, Trichy and quash the same as illegal.

For Petitioner : Mr.K.Saravanan

For R1 : Mr.E.Antony Sahaya Prabhakar
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceeding in C.C.No.1660 of 2019 pending on the file of the Judicial Magistrate No.VI, Trichy as against the petitioner.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is prosecuted for the offence committed under Section 12(1) (b) of Passport Act, 1967. The offence under Section 12(1)(b) of Passport Act shall be punishable with imprisonment to the extend of two years or with fine which may extend to five thousand rupees or with both. The F.I.R was registered on 28.07.2011 and charge sheet was filed before the jurisdictional Court on 18.07.2019. The period of limitation of prosecution for the said offence is three years as per provision under Section 468(2)(c) of Cr.P.C. But the prosecution failed to prosecute within a period of limitation and the court ought not to have taken cognizance and no criminal proceeding can be permitted, when it is barred by limitation. Hence, he prays for quashing the proceedings.

3.The learned Additional Public Prosecutor conceded the fact that the case has been registered on 28.07.2011 and charge sheet has also been filed on 18.07.2019 after the period of three years and the accused admittedly cannot be prosecuted for the offence under Section 12(1) (b) of Passport Act, 1967.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.



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5.A perusal of records reveals the fact that the petitioner is an accused in C.C.No.1660 of 2019 on the file of the learned Judicial Magistrate No.6, Trichy. He was prosecuted by the respondent police for the offence punishable under Section 12(1) (b) of Passport Act, 1967. A perusal of provision, it is clear that the offence is punishable with imprisonment to the extend of two years or with fine which may extend to five thousand rupees or with both. For such kind of offence, the limitation period is only three years. But the final report was filed beyond the period of limitation and it is a clear case of statutory bar by under Section 468 of Cr.P.C. Therefore, the criminal proceedings as against the accused is statutorily barred and it is liable to be quashed.

6.Accordingly, this Criminal Original Petition is allowed and the proceeding in C.C.No.1660 of 2019 pending on the file of the Judicial Magistrate No.VI, Trichy, is hereby quashed as against the petitioner as it is barred by limitation under Section 468 of Cr.P.C. Consequently connected miscellaneous petitions are closed.

28.06.2022

Internet:Yes./No
Index:Yes/no
vsd

<https://www.mhc.tn.gov.in/judis>



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V.SIVAGNANAM, J.

vsd

To

- 1.The Judicial Magistrate No.VI,
Trichy.
2. The Inspector of Police,
Airport Police Station,
Trichy District.
(Crime No.429 of 2011)
- 3.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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